

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ADRIELLA RAMIREZ, RAYMOND
REYESII,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

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SA-19-CV-00072-JKP

THIRD AMENDED SCHEDULING ORDER

Before the Court in the above-styled cause of action is the parties' Third Joint Motion to Extend Scheduling Order Deadlines [#34], by which the parties seek additional extensions of the Scheduling Order due to the COVID-19 pandemic. The Court will grant the motion.

IT IS THEREFORE ORDERED that the parties' Third Joint Motion to Extend Scheduling Order Deadlines [#34] is **GRANTED**.

IT IS FURTHER ORDERED that the following amended scheduling order will control the remaining course of this case:

1. Parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **June 19, 2020**.
2. Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **July 17, 2020**.
3. Parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, within **fourteen days** of receipt of the report of the opposing expert.
4. The deadline to file supplemental expert reports required under Federal Rule of Civil Procedure 26(e)(2) is **August 21, 2020**. The parties are advised any report filed under this

deadline may only supplement the initial report and may not introduce new opinion or subject matter. This deadline is not intended to provide an extension of the deadline by which a party must deliver the substance of its expert information or opinion.

5. The deadline for filing Rule 26(a)(3) disclosures is **October 23, 2020**. The deadline for filing objections under Rule 26(a)(3) is **November 6, 2020**. Any objections not made will be deemed waived.
6. Parties shall initiate all discovery procedures in time to complete discovery on or before **September 4, 2020**. Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the expiration of the deadline. *See* Local Rule CV-16(d). Counsel may by agreement continue discovery beyond the deadline. The parties are advised that should they agree to extend discovery beyond the deadline, there will be no intervention by the Court except in exceptional circumstances. No trial setting or other deadline set forth herein will be vacated due to information obtained in post-deadline discovery. *See* Local Rule CV-7(d).
7. On or before **September 25, 2020**, the parties shall file any *Daubert* motions and challenge to or motion to exclude expert witnesses. Any such motion must specifically state the basis for the objection and identify the objectionable testimony.
8. On or before **September 25, 2020**, parties shall file any dispositive motions, including motions for summary judgment on all or some of the claims. Further, notwithstanding any deadline provided herein, no motion (other than a motion in limine) may be filed after this date except for good cause.
9. The Court will set dates for trial and the final pretrial conference after ruling on any dispositive motions or after the deadline for such motions passes without a pertinent filing. At that time, the Court will also set appropriate deadlines for trial and pretrial conference matters.

IT IS SO ORDERED.

SIGNED this 8th day of April, 2020.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE